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**Tempe City Council  
January 10, 2008**

Harry E. Mitchell Government Center  
Tempe City Hall - City Council Chambers  
31 East Fifth Street  
7:30 p.m.

1. INVOCATION - Councilmember Ellis
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Councilmember Mitchell
  - A. Approval of Council Meeting Minutes
    1. Council's Executive Session – December 6 & 13, 2007
    2. Council's Issue Review Session – December 6 & 13, 2007 [20080110clrkck01.pdf](#)  
[20080110clrkck05.pdf](#)
    3. Council's Formal Meeting – December 6 & 13, 2007 [20080110clrkck02.pdf](#)  
[20080110clrkck04.pdf](#)
    4. Council's Education, Technology & Economic Development Committee –  
November 6 & December 4, 2007 [20080110eted01.pdf](#) [20080110eted02.pdf](#)
    5. Council's Finance, Economy & Veterans Affairs Committee - November 20, 2007  
[20080110feva01.pdf](#)
    6. Council's Public Safety & Neighborhood Quality of Life Committee –  
December 11, 2007 [20080110psnql.pdf](#)
    7. Council's Tourism & Recreation Committee – November 5 & December 12, 2007  
[20080110trc01.pdf](#) [20080110trc02.pdf](#)
    8. Council's Transportation, Housing & Environment Committee –  
November 27, 2007 [20080110the01.pdf](#)
    9. Council's Joint Dinner with Salt River Pima Maricopa Indian Community –  
December 4, 2007 [20080110clrkck03.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    10. Aviation Commission – November 13, 2007 [20080110tavco01.pdf](#)
    11. Committee for Youth, Families & Community – November 19, 2007  
[20080110cyfc01.pdf](#)
    12. Development Review Commission – October 23, 2007 [20080110drc01.pdf](#)
    13. Double Butte Cemetery Advisory Committee – September 19, 2007  
[20080110dbca01.pdf](#)

14. Enhanced Services Commission – October 10 & November 14, 2007  
[20080110esc01.pdf](#) [20080110esc02.pdf](#)
15. Hearing Officer – November 20 & December 4, 2007 [20080110ho01.pdf](#)  
[20080110ho02.pdf](#)
16. Historical Museum Advisory Board – November 1, 2007 [20080110csjc01.pdf](#)
17. Human Relations Commission – November 13, 2007 [20080110hrc01.pdf](#)
18. Mayor's Youth Advisory Commission – December 4, 2007 [20080110myac01.pdf](#)
19. Municipal Arts Commission – September 12, October 10 & November 14, 2007  
[20080110mac01.pdf](#) [20080110mac02.pdf](#) [20080110mac03.pdf](#)
20. Neighborhood Advisory Commission – November 7, 2007 [20080110nac01.pdf](#)
21. Parks and Recreation Board – October 17, 2007 [20080110prtd01.pdf](#)
22. Rio Salado Advisory Commission – October 23, 2007 [20080110rsac01.pdf](#)
23. Tempe Police Public Safety Personnel Retirement Board – November 1, 2007
24. Tempe Sports Authority – November 14, 2007 [20080110tsa01.pdf](#)

#### 4. REPORTS AND ANNOUNCEMENTS

- A. Mayor's Announcements
- B. Manager's Announcements

#### 5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (\*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

##### A. Miscellaneous Items

25. Request approval of the Report of Claims Paid to be filed for audit for the months of September and October, 2007.

**COMMENTS:** A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

26. Request approval of a Subgrantee Agreement between the State of Arizona, Governor's Office for Children, and the City of Tempe for the provision of the Empowering Teens and Parents Program.

**COMMENTS:** Juvenile Accountability Block Grant award of up to \$18,386.00 in federal funds from October 1, 2006, through September 30, 2008.

**DOCUMENT NAME:** [20080110cskb01.pdf](#) **COMMUNITY SERVICE ADM (0701-01)**

27. Request approval authorizing the Mayor to execute an agreement between Gobility Inc., dba Kite Networks, Telscape Communications, Inc., and the City of Tempe giving consent for Gobility, Inc. to assign and Telscape Communications, Inc., to assume with conditions the agreement for use of City property in connection with the operation of a WiFi network.

**DOCUMENT NAME:** [20080110ITDH1.pdf](#) **TELSCAPE COMMUNICATIONS (0802-33)**

28. Request approval of the use of contingency funds to fund additional Court Service Specialist positions.

**COMMENTS:** The total costs of this action shall not exceed \$112,000 in Fiscal year 2008 and \$280,000 in Fiscal Year 2009.

**DOCUMENT NAME:** [20080110mcms01.pdf](#) **POSITIONS AUTHORIZED (0302-01)**

29. This is a request for an Amended Subdivision Plat for **TEMPE MARKETPLACE** located at 2080 East Rio Salado Parkway.

**COMMENTS:** Request for TEMPE MARKETPLACE (PL070016) (Vestar, property owner; Manjula Vaz, Gammage & Burnham, applicant) located at 2080 East Rio Salado Parkway, in the MU-4, Mixed-Use High Density District. The request includes the following:

**SBD07041** – Amended Subdivision Plat consisting of twenty-four (24) lots and one (1) tract on +/-119 gross acres.

**DOCUMENT NAME:** [20080110dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

30. This is a request for an Amended Condominium Plat for **CENTERPOINT PHASE I** located at 75 West 5<sup>th</sup> Street.

**COMMENTS:** Request for CENTERPOINT PHASE I (PL070500) (Tempe Land Company LLC, property owner; Jason Kack, DEI Professional Services, applicant) located at 75 West 5<sup>th</sup> Street, in the CC, City Center District and Planned Area Development Overlay. The request includes the following:

**SBD07051** – Amended Condominium Plat consisting of (375) units on +/-1.71 acres.

**DOCUMENT NAME:** [20080110dsrl03.pdf](#) **PLANNED DEVELOPMENT (0406)**

31. Request for a Final Subdivision Plat for **HAYDEN FLOUR MILLS** located at 119 South Mill Avenue.

**COMMENTS:** Request by HAYDEN FLOUR MILLS (PL060637) (City of Tempe, owner; Chris Aulerich, Brady-Aulerich & Associates, Inc., applicant) for a Final Subdivision Plat on +/- 5.09 net acres located at 119 South Mill Avenue in the MU-4, Mixed-Use High Density District; the CC, City Center District; the RSOD, Rio Salado Overlay District and the TOD, Transportation Overlay District, including the following: SBD07055 – Final Subdivision Plat to combine the property into one lot including the adjustment of public right of way.

**DOCUMENT NAME:** [20080110dskko01.pdf](#) **PLANNED DEVELOPMENT (0406)**

32. Request for an Amended Subdivision Plat for **SQUARE 1** located at 304 South Wilson Street.

**COMMENTS:** Request by SQUARE 1 (PL070188) (Mark McIntyre owner; Vivian M. O'Connor, Location Route Surveying, applicant) located at 304 South Wilson Street, in the R-3, Multi-Family Residential Limited District, including the following request: SBD07016 – Amended Subdivision Plat for one (1) lot and minor tract adjustments, .0963 acres.

**DOCUMENT NAME:** [20080110dsjc01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*33. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Twisted Air LLC dba Fantasy Grill, 227 East Baseline Road, J-7.

**COMMENTS:** William M. Rodriguez III, Agent

**DOCUMENT NAME:** [20080110LIQ1.pdf](#) **LIQ LIC (0210-02)**

- \*34. This is a public hearing to recommend the approval of a Series 6 Bar Liquor License for Freska Dining LLC dba Euphoria, 829 South Rural Road.

**COMMENTS:** Greg Gaines, Agent

**DOCUMENT NAME:** [20080110LIQ2.pdf](#) **LIQ LIC (0210-02)**

B. Award of Bids/Contracts

35. Request approval of a contract with artist Carl Cheng for restoration of the Tilted Landscape art project located in front of the Tempe Public Library

**COMMENTS:** Total cost for restoring the artwork is \$59,600.

**DOCUMENT NAME:** [20080110cstc01.pdf](#) **LIBRARY ADM (0704-01)**

36. Request to award on-call construction contracts to C&W Sons Enterprises, Inc., ACR Contracting, Inc., and BCS Enterprises, Inc., to perform on-call job order contract for Demolition of Commercial and Residential Property.

**COMMENTS:** On-call construction contracts for an annual amount not to exceed \$1,000,000 and an individual job order amount not to exceed \$1,000,000 with C&W Sons Enterprises, Inc., ACR Contracting, Inc., and BCS Enterprises, Inc., subject to execution of the final written contracts.

**DOCUMENT NAME:** [20080110PWDR02.pdf](#) **ENGINEERING ADMINISTRATION (803-02)**

37. Request award of a Construction Manager at Risk Construction Services contract to McCarthy Building Companies and approve a change order contingency for the City Hall Parking Garage and Retail Building Shell Demolition and Site Work – Phase I Guaranteed Maximum Price (GMP).

**COMMENTS:** Construction Manager at Risk Construction Services contract with McCarthy Building Companies for a GMP of \$1,244,148, subject to execution of the final written documents, and a change order contingency of \$120,000.

**DOCUMENT NAME:** [20080110PWDR03.pdf](#) **PARKING (0503-19) PROJECT NO. 6702971**

38. Request to award a one-year contract with four, one-year renewal options to HD Supply Waterworks Utility Service Group for water leak detection survey services in the City's drinking water infrastructure.

**COMMENTS:** (IFB #08-024RB) Total cost for this contract shall not exceed \$39,000 during the initial contract period.

**DOCUMENT NAME:** [20080110fst04.pdf](#) **PURCHASES (1004-01)**

39. Request to award a one-year contract with two, one-year renewal options to Somerset Landscape & Maintenance, Inc., for palm tree trimming.

**COMMENTS:** (IFB #08-023) Total cost for this contract shall not exceed \$60,000 during the initial contract period.

**DOCUMENT NAME:** [20080110fslq16.pdf](#) **PURCHASES (1004-01)**

40. Request to award a three-year, limited source contract to Colliers International for property management and leasing services of the ground floor retail space in the downtown Transportation Center.

**COMMENTS:** (Limited Source #08-036) Total cost for this contract shall not exceed \$25,800 during the contract period.

**DOCUMENT NAME:** [20080110fslq18.pdf](#) **PURCHASES (1004-01)**

41. Request approval of an addendum to a professional services contract with Superstition Foothills Consulting Services, Inc., for plan review and inspections of the Cox Extendable Optical Network (EON) project.

**COMMENT:** Addendum for an amount not to exceed \$59,250, subject to the execution of the final written addendum. The original contract amount of \$90,750, plus approval of this addendum will increase the contract to \$150,000.

**DOCUMENT NAME:** [20080110PWDR01.pdf](#) **UNDERGROUND UTILITIES (0810)**  
PROJECT NO. 6702711

42. Request approval of a thirty-seven (37) day extension and to increase the value of a contract with Williams and Associates for lobbyist services.

**COMMENTS:** (T07-147-01) Increase in the amount of \$8,500 from \$102,000 to \$110,500.

**DOCUMENT NAME:** [20080110fslq17.pdf](#) **PURCHASES (1004-01)**

43. Request approval of a one-year contract renewal with Pinnacle Risk Management Services for third-party claims administrator services.

**COMMENTS:** (T06-104-01) Total amount not to exceed \$98,000.

**DOCUMENT NAME:** [20080110fsts05.pdf](#) **PURCHASES (1004-01)**

44. Request approval of a one-year renewal of contracts with RCI Systems, Inc. and Equity Plumbing, Inc. for testing, repair and replacement of backflow prevention assemblies.

**COMMENTS:** (T07-067-01 and T07-067-02) Total amount not to exceed \$65,000.

**DOCUMENT NAME:** [20080110fsts07.pdf](#) **PURCHASES (1004-01)**

45. Request approval of a two-year contract renewal with JP Morgan Chase Bank NA for banking services.

**COMMENTS:** (T04-000-01) Total amount not to exceed \$850,000.

**DOCUMENT NAME:** [20080110fsts08.pdf](#) **PURCHASES (1004-01)**

46. Request approval of a one-year contract renewal with Utility Service, Co., Inc. for water tank repair and maintenance.

**COMMENTS:** (T01-052-01) Total amount not to exceed \$85,000.

**DOCUMENT NAME:** [20080110fsts09.pdf](#) **PURCHASES (1004-01)**

47. Request approval of a one-year contract renewal with Teledyne Isco, Inc., for wastewater sampling equipment.

**COMMENTS:** (T06-070RBA-01) Total amount not to exceed \$400,000.

**DOCUMENT NAME:** [20080110fst11.pdf](#) **PURCHASES (1004-01)**

48. Request approval of a one-year contract renewal with T.A. Caid Industries, Inc. for 25' and 30' modular traffic poles.

**COMMENTS:** (T06-089-01) Total amount not to exceed \$100,000.

**DOCUMENT NAME:** [20080110fst12.pdf](#) **PURCHASES (1004-01)**

49. Request approval to increase contract amounts with Philip Transportation and Remediation, Inc. and Environmental Response, Inc. for emergency and routine response to situations involving hazardous substances and/or pollutants.

**COMMENTS:** (SCC060013-2 and SCC060013-4) Increase in the amount of \$125,000 from \$70,000 to \$195,000.

**DOCUMENT NAME:** [20080110fst06.pdf](#) **PURCHASES (1004-01)**

50. Request approval to increase the contract amount with Stanley Security Solutions for Hirsch Card Access System Components to be used by the Public Works, Engineering and IT Departments.

**COMMENTS:** (T05-095-01) Increase in the amount of \$130,000 from \$250,000 to \$380,000.

**DOCUMENT NAME:** [20080110fst15.pdf](#) **PURCHASES (1004-01)**

51. Request approval to utilize an Arizona Counter Drug Procurement Program 1122 contract to purchase 911/dispatcher console furniture for use by the Tempe Police Department.

**COMMENTS:** (#08-120) Total cost for this contract shall not exceed \$472,000.

**DOCUMENT NAME:** [20080110fst01.pdf](#) **PURCHASES (1004-01)**

52. Request approval to utilize a twenty-two month State of Arizona contract with Goodmans Interior Structure for the purchase of furniture products and related services.

**COMMENTS:** (EPS070112-1A1) Total amount not to exceed \$800,000.

**DOCUMENT NAME:** [20080110fst02.pdf](#) **PURCHASES (1004-01)**

53. Request approval to utilize one-year City of Chandler contracts with Thatcher Company of Arizona; Hill Brothers Chemical Company; DPC Enterprises; Commercial Pool Repair; Los Angeles Chemical Company; Hasa, Inc.; Basic Chemical Solutions, LLC; Altivia Corporation; Calgon Carbon Corporation; Polydyne, Inc.; Salt Works; Chalum, Inc.; LCI, Ltd.; Kemiron Companies, Inc. and Occidental Chemical Corporation for water treatment chemicals.

**COMMENTS:** (MU6-505-2185-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14 and 15) Total amount not to exceed \$1,500,000.

**DOCUMENT NAME:** [20080110fst03.pdf](#) **PURCHASES (1004-01)**

54. Request approval to utilize a seven-month City of Tucson contract with Panasonic Computer Solutions Company for the purchase of Panasonic Toughbooks, tablets, accessories and services.

**COMMENTS:** (0703103) Total amount not to exceed \$500,000.

**DOCUMENT NAME:** [20080110fst10.pdf](#) **PURCHASES (1004-01)**

55. Request approval to utilize a one-year State of Arizona Contract with Grainger for industrial supplies and equipment used by various City departments.

**COMMENTS:** (Contract #EPS060050-1-A3) Total cost of this contract shall not exceed \$400,000.

**DOCUMENT NAME:** [20080110fsta13.pdf](#) **PURCHASES (1004-01)**

56. Request approval to utilize a State of Arizona Contract with Brown Evans Distributing Company for vehicle lubricants.

**COMMENTS:** (Contract SCC070001-1-A1) Total cost of this contract shall not exceed \$70,000.

**DOCUMENT NAME:** [20080110fsta14.pdf](#) **PURCHASES (1004-01)**

- C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- \*57. This is the **introduction and first public hearing** for a Zoning Map Amendment for HUNTINGTON SQUARE located at 3225 S Mill Avenue. **A second public hearing is set for January 24, 2008.**

**COMMENTS:** Request for HUNTINGTON SQUARE (PL070279) (Don Kermin, Hanley Properties, owner / Reese Anderson, Pew and Lake, PLC, applicant) for a Zoning Map Amendment from CSS to PCC-1, to allow a Car Rental Facility within an existing retail center located at 3225 S. Mill Avenue, in the CSS, Commercial Shopping and Services District, including the following:

**ZON07006 – (Ordinance No. 2007.76)** Zoning Map amendment from CSS Commercial Shopping and Services to PCC-1 Planned Commercial Center.

**DOCUMENT NAME:** [20080110dsdk01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*58. This is the **introduction and first public hearing** to amend Chapter 2, Article V, Chapter 15, Article II, and Chapter 23, Article II of the Tempe City Code relating to the standardization of the City's Board's and Commissions' policies and procedures. **The second public hearing is set for January 24, 2008.**

DOCUMENT NAME: [20080110casv01.pdf](#) CITY CODE ADMIN (0503-02)  
ORDINANCE NO. 2008.01

D. Ordinances and Items for Second Hearing/Final Adoption

- \*59. This is the **second public hearing** for a Planned Area Development, for **EXPRESS CAR WASH** located at 1406 West University Drive.

**COMMENTS:** Request for EXPRESS CAR WASH (PL070363) (City of Tempe, property owner; Jesse Macias, RHL Design Group, applicant) for a new 3,600 s.f. car wash located on .46 net acres at 1406 W. University Drive, in the CSS, Commercial Shopping and Services District. The request includes the following:

**PAD07023 (Ordinance 2007.75)** – Planned Area Development Overlay to modify the standards for the parking setbacks from 20' to 7'.

DOCUMENT NAME: [20080110dsdk03.pdf](#) PLANNED DEVELOPMENT (0406)

- \*60. This is a **second public hearing** for a Zoning Map Amendment and Planned Area Development Overlay for **CAMPUS SUITES ON THE RAIL** located at 1900 E Apache Boulevard.

**COMMENTS:** Request for CAMPUS SUITES ON THE RAIL (PL070312) (Gordon Phillips, Campus Suites on the Rail LLC, owner / Paul Gilbert, Beus Gilbert, PLLC, applicant) for a Zoning Map Amendment from CSS and R-4 in the Transportation Overlay District (TOD) to MU-4 TOD with a PAD for a 619,756 s.f. new student housing development on +/- 6.8 net acres located at 1900 E. Apache Boulevard, in the CSS Commercial Shopping and Services and R-4 Multi-Family districts in the Transportation Overlay District Station and Corridor Areas, including the following:

**ZON07011 – (Ordinance No. 2007.77)** Zoning Map amendment from CSS Commercial Shopping and Services and R-4 Multi-Family in the TOD to MU-4 TOD Mixed-Use High Density with a Planned Area Development (PAD).  
**PAD07026** – Planned Area Development to define the development standards: building height of 70 feet; building setbacks of 0' front, 10' side, 10' rear; 14% landscape area and 45% building lot coverage; 41 du/ac and 1084 parking spaces.

DOCUMENT NAME: [20080110dsdk02.pdf](#) PLANNED DEVELOPMENT (0406)

- \*61. This is the **second public hearing** for a Planned Area Development Overlay for **ONE HUNDRED MILL AVENUE** located at 100 South Mill Avenue. **This item was continued by City Council on December 13, 2007.**

**COMMENTS:** Request for ONE HUNDRED MILL AVENUE (PL070354) (Michael Monti, property owner; Tony Wall, 3W Companies, applicant) for redevelopment of the existing Monti's La Casa Vieja site, for two new buildings consisting of hotel (300 suites), commercial and residential (230 units), including preservation of a portion of the

existing historic building, located at 100 South Mill Avenue in the City Center District, Transportation Overlay District, and a Historic Designated Property. The request includes the following:

**PAD07021 – (Ordinance No. 2007.67)** Planned Area Development Overlay to modify Transportation Overlay District standards for two (2) buildings with proposed building heights of up to 270 feet.

**A LEGAL PROTEST HAS BEEN FILED IN THIS MATTER; THEREFORE, A 3/4 COUNCIL MAJORITY (6 of 7) IS REQUIRED FOR APPROVAL.** The Development Review Commission (DRC) voted 5-1 in favor of this proposal, with modified conditions, the Historic Preservation Commission voted 7-0 for approval of historic building modification. Staff is recommending approval of the proposal, subject to conditions, recommending reduced heights different from DRC recommendation. An affirmative vote by 6 of the 7 Councilmembers would result in approval of the project as recommended by staff.

DOCUMENT NAME: [20080110dsr101.pdf](#) PLANNED DEVELOPMENT (0406)

- \*62. This is the **second public hearing** to amend Chapter 27 of the Tempe City Code relating to Sewers and Sewage Disposal.

DOCUMENT NAME: [20080110cacc01.pdf](#) SEWERS & SEWAGE DISPOSAL (0503-27) ORDINANCE NO. 2007.83

#### E. Resolutions

63. Request adoption of a resolution authorizing the issuance and sale of the City of Tempe, Arizona, Pier at Town Lake Improvement District No. 180 Improvement Bonds; delegating authority to approve certain matters with respect to the bonds; making certain tax covenants; authorizing the appointment of a registrar, transfer agent and paying agent; approving the form of certain documents and authorizing completion, execution and delivery thereof; delegating the authority to approve and deem final a form of official statement; and ratifying all actions taken or to be taken to further this resolution; **and declaring an emergency.**

DOCUMENT NAME: [20080110fsjh02.pdf](#) IMPROVEMENT (ASSESSMENT) DISTRICTS (0805-80) RESOLUTION NO. 2008.02

#### 6. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed. Comments are aired live and replayed on Tempe Channel 11.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting.

Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

**SCHEDULED PUBLIC APPEARANCE**

- Talmal Kamal, Tempe, re: appearance of Tempe Arts Center
- Robert Stempkowski, Tempe, re: Urban Campfire Restaurant

**7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS**

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

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Watch live at [www.tempe.gov/tempe11](http://www.tempe.gov/tempe11)**